



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2015-0248; FRL-9932-20-Region 4]

Approval and Promulgation of Implementation Plans; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a state implementation plan (SIP) revision submitted by the State of Georgia, through Georgia Environmental Protection Division (GA EPD) on February 6, 2015, to address the base year emissions inventory and emissions statements requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS) for the Atlanta, Georgia 2008 8-hour ozone nonattainment area (hereinafter referred to as the “Atlanta Area”). These requirements apply to all ozone nonattainment areas. The Atlanta Area is comprised of 15 counties in Atlanta (Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale). This action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

DATES: This direct final rule is effective [Insert date 60 days after publication in the Federal Register] without further notice, unless EPA receives adverse comment by [Insert date 30 days after publication in the Federal Register]. If EPA receives such comments, it will publish a

timely withdrawal of the direct final rule in the Federal Register and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR- 2015-0248, by one of the following methods:

1. www.regulations.gov: Follow the on-line instructions for submitting comments.
2. E-mail: R4-ARMS@epa.gov.
3. Fax: (404) 562-9019.
4. Mail: “EPA-R04-OAR-2015-0248, “Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960.
5. Hand Delivery or Courier: Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office’s normal hours of operation. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA-R04-OAR- 2015-0248. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information

provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through www.regulations.gov or e-mail, information that you consider to be CBI or otherwise protected. The www.regulations.gov website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA’s public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the www.regulations.gov index. Although listed in the index, some information may not be publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection

Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Ms. Bell can be reached at (404) 562-9088 and via electronic mail at bell.tiereny@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in Appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Atlanta Area was designated nonattainment for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012) using 2009-2011 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the Atlanta Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. On March 6, 2015, EPA finalized a rule entitled “Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements” (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS.¹ *See* 80 FR 12264. This rule establishes nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA, including an attainment date three years after the July 20, 2012, effective date, for areas classified as marginal for the 2008 8-hour ozone NAAQS. Therefore, the attainment date for the Atlanta Area is July 20, 2015.

Based on the nonattainment designation, Georgia was required to develop a SIP revision addressing certain CAA requirements for areas designated nonattainment. Specifically, pursuant to CAA sections 182(a)(1) and 182(a)(3)(B), Georgia was required to submit a SIP revision addressing the emissions inventory and emissions statements requirements, respectively.

¹ The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

Ground level ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_x and VOC. Section 182(a)(3)(B) of the CAA requires each state with ozone nonattainment areas to submit a SIP revision requiring annual emissions statements to be submitted to the state by the owner or operator of each NO_x or VOC stationary source² located within a nonattainment area showing the actual emissions of NO_x and VOC from that source. The first statement is due three years from the area's nonattainment designation, and subsequent statements are due at least annually thereafter. Section 182(a)(1) of the CAA requires states with areas designated nonattainment for the ozone NAAQS to submit a SIP revision providing a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area. NO_x and VOCs are the relevant pollutants because they are the precursors of ozone.

On February 6, 2015, Georgia submitted a SIP revision addressing the emissions inventory and emissions statements requirements related to the 2008 8-hour ozone NAAQS for the Atlanta Area.³ EPA is now taking action to approve this SIP revision as meeting the requirements of sections 110, 182(a)(1), and 182(a)(3)(B) of the CAA.⁴ More information on

² A state may waive the emission statement requirement for any class or category of stationary sources which emit less than 25 tons per year of VOCs or NO_x if the state meets the requirements of section 182(a)(3)(B)(ii).

³ Georgia's SIP revision also certifies that its SIP-approved state regulation addressing nonattainment new source review for all new stationary sources and modified existing stationary sources in the Atlanta Area, 391-3-1-.03(8) - *Permit Requirements*, exceeds the requirements of section 182(a)(2)(C) for the 2008 8-hour ozone NAAQS. However, EPA does not believe that the two-year deadline contained in CAA section 182(a)(2)(C)(i) applies to nonattainment NSR SIPs for implementing the 8-hour ozone NAAQS. *See* 80 FR 12264, 12267 (March 6, 2015); 70 FR 71682, 71683 (November 29, 2005). The submission of NSR SIPs due on November 15, 1992, satisfied the section 182(a)(2)(C)(i) requirement for states to submit NSR SIP revisions to meet the requirements of CAA sections 172(c)(5) and 173 within two years after the date of enactment of the 1990 CAA Amendments. *Id.*

EPA's analysis of Georgia SIP revision and how this SIP revision addresses these requirements is provided below.

II. Analysis of State's Submittal

a. Base Year Emission Inventory

As discussed above, section 182(a)(1) of the CAA requires areas to submit a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in each ozone non-attainment area. The section 182(a)(1) base year inventory is defined in the SIP Requirements Rule as "a comprehensive, accurate, current inventory of actual emissions from sources of VOC and NO_x emitted within the boundaries of the nonattainment area as required by CAA section 182(a)(1)." *See* 40 CFR 51.1100(bb). The inventory year must be selected consistent with the baseline year for the RFP plan as required by 40 CFR 51.1110(b),⁵ and the inventory must include actual ozone season day emissions as defined in 40 CFR 51.1100(cc)⁶ and contain data elements consistent with the detail required by 40 CFR part 51, subpart A. *See* 40 CFR 51.1115(a), (c), (e). In addition, the point source emissions included in the inventory must be reported according to the point source emissions thresholds of the Air Emissions Reporting Requirements (AERR) in 40 CFR part 51, subpart A. 40 CFR 51.1115(d).

Georgia selected 2011 as the base year for the emissions inventory which is the year

⁵ 40 CFR 51.1110(b) states that "at the time of designation for the 2008 ozone NAAQS the baseline emissions inventory shall be the emissions inventory for the most recent calendar year for which a complete triennial inventory is required to be submitted to EPA under the provisions of subpart A of this part. States may use an alternative baseline emissions inventory provided the state demonstrates why it is appropriate to use the alternative baseline year, and provided that the year selected is between the years 2008 to 2012."

⁶ "Ozone season day emissions" is defined as "an average day's emissions for a typical ozone season work weekday. The state shall select, subject to EPA approval, the particular month(s) in the ozone season and the day(s) in the work week to be represented, considering the conditions assumed in the development of RFP plans and/or emissions budgets for transportation conformity." 40 CFR 51.1100(cc).

corresponding with the first triennial inventory under 40 CFR Part 51, Subpart A. This base year is one of the three years of ambient data used to designate the Area as a nonattainment area and therefore represents emissions associated with nonattainment conditions. The emissions inventory is based on data developed and submitted by GA EPD to EPA's 2011 National Emissions Inventory (NEI), and it contains data elements consistent with the detail required by 40 CFR part 51, subpart A.⁷

Georgia's emissions inventory for the Atlanta Area provides 2011 typical average summer day emissions for NO_x and VOCs for the following general source categories: electric generating unit (EGU) point sources, non-EGU point sources, nonpoint sources, on-road mobile sources, non-road mobile sources, fire events, and biogenics. The summer day emissions were calculated as the average of emissions during weekdays in July 2011. A detailed discussion of the inventory development is located at pages 1 through 7 of the document entitled "Atlanta Nonattainment Area Emissions Inventory for the 2008 8-Hour Ozone NAAQS" (Inventory Document) in the State's February 6, 2015 submittal and Appendix A of that submittal which is provided in the docket for this action. The table below provides a summary of the emissions inventory.

⁷ Data downloaded from the EPA Emissions Inventory System (EIS) from the 2011 NEI was subjected to quality assurance procedures described under quality assurance details under *2011 NEI Version 1 Documentation* located at <http://www.epa.gov/ttn/chief/net/2011inventory.html#inventorydoc>. The quality assurance and quality control procedures and measures associated with this data are outlined in the State's EPA-approved Emission Inventory Quality Assurance Project Plan.

Table 1. 2011 Emissions for the Atlanta Area (tons per summer day)

County	Point-EGU		Point-Non-EGU		Nonpoint		On-road		Non-road	
	NOx	VOC	NOx	VOC	NOx	VOC	NOx	VOC	NOx	VOC
Bartow	16.85	0.70	0.54	0.36	0.17	4.09	11.18	4.52	3.48	2.22
Cherokee	0.00	0.00	0.09	0.24	0.12	5.36	8.53	4.73	3.49	2.72
Clayton	0.00	0.00	0.28	0.73	0.19	7.01	11.60	5.86	15.84	4.33
Cobb	8.84	0.10	0.57	0.74	0.69	20.49	26.86	15.83	11.15	10.26
Coweta	19.45	0.21	0.09	0.16	0.12	3.71	6.67	2.94	2.39	1.17
DeKalb	0.00	0.00	0.35	3.00	0.65	20.51	29.24	14.29	7.68	4.25
Douglas	0.00	0.00	0.00	0.00	0.08	4.12	6.39	3.09	1.56	0.80
Fayette	0.00	0.00	0.02	0.07	0.09	2.92	3.86	2.42	1.96	1.67
Forsyth	0.00	0.00	0.07	0.25	0.11	4.72	7.62	3.89	3.36	4.27
Fulton	0.00	0.00	1.18	0.68	1.38	26.97	47.49	21.46	17.53	10.06
Gwinnett	0.00	0.00	0.00	0.16	0.67	24.03	30.64	16.74	14.37	13.97
Henry	0.00	0.00	6.11	1.54	0.11	4.67	9.86	4.61	4.03	1.87
Newton	0.00	0.00	0.07	1.06	0.10	3.08	6.49	3.71	1.70	1.15
Paulding	0.00	0.00	0.00	0.00	0.07	3.05	4.41	2.61	2.20	0.95
Rockdale	0.00	0.00	0.14	0.35	0.09	2.34	4.14	1.92	1.19	0.88
Total	45.14	1.01	9.49	9.35	4.63	137.06	214.98	108.62	91.92	60.56

The emissions reported for the Atlanta Area reflect the emissions for the 15 counties in the nonattainment area. The inventory contains point source emissions data for facilities located within the Area based on Geographic Information Systems (GIS) mapping. More detail on the emissions for individual sources categories is provided below and in Appendix A of the Georgia

submittal.

Point sources are large, stationary, identifiable sources of emissions that release pollutants into the atmosphere. The EGU point sources emissions inventory was developed from facility-specific emissions data. NO_x emissions were calculated using continuous emissions monitoring system data which included hourly measurements. For VOC emissions, GA EPD used facility-specific emissions data reported to the 2011 NEI. These sources are required to submit inventory data according to the AERR. The non-EGU point source emissions inventory for the Atlanta Area was developed from non-EGU facility-specific data reported to the 2011 NEI. These sources are required to submit inventory data according to the AERR. The point source emissions data meets the point source emissions thresholds of 40 CFR part 51, subpart A. A detailed account of the non-EGU point sources can be found on pages 8 through 12 of the Inventory Document in the Georgia submittal.

Nonpoint sources are small emission stationary sources which, due to their large number, collectively have significant emissions (e.g., dry cleaners, service stations). Emissions for these sources were obtained from the 2011 NEI. A detailed account of the nonpoint sources can be found in Appendix B and page 2 of the Inventory Document in the Georgia submittal.

On-road mobile sources include vehicles used on roads for transportation of passengers or freight. Georgia developed its on-road emissions inventory using EPA's Motor Vehicle Emissions Simulator (MOVES) model for each ozone nonattainment county.⁸ County level on-road modeling was conducted using county-specific vehicle population and other local data. A

⁸ Georgia used MOVES version 2010b because this was the latest version available at the time that the State submitted its SIP revision.

detailed account of the on-road sources can be found in Appendix D and page 3 of the Inventory Document in the Georgia submittal.

Non-road mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation and other purposes that do not use the roadways (e.g., lawn mowers, construction equipment, railroad locomotives and aircraft). Georgia obtained emissions for the non-road mobile sources from the 2011 NEI. Those emissions were estimated using National Mobile Inventory Model (NMIM) with updated NMIM County Database (NCD) files from GA EPD. A detailed account of the non-road mobile sources can be found in Appendix D of the February 6, 2015, submittal.

Georgia included 2011 actual emissions from fire events and biogenic sources in its emissions inventory. Wildland fires are unplanned, unwanted wild land fires including unauthorized human-caused fires, escaped prescribed fire projects, or other inadvertent fire situations where the objective is to put the fire out. Prescribed fires are any fires ignited by management actions to meet specific objectives related to the reduction of the biomass potentially available for wildfires. Fire event emissions were developed by GA EPD using fire records collected from the Georgia Forestry Commission (GFC), when fire activities were not included in the GFC database, military bases and federal agencies (USFS and FWS) records were used. In addition, GA EPD collected detailed burning records for the Okefenokee area which showed burned area per day. A detailed account of fire event sources can be found in Appendix A and on page 4 of the Inventory Document in the Georgia submittal.

Biogenic emission sources are emissions that come from natural sources. GA EPD obtained biogenic emissions for 2011 from the 2011 NEI and used the summary of county-

specific daily biogenic emissions.⁹ A detailed account of biogenic sources can be found in Appendix A and on page 4 of the Inventory Document in the Georgia submittal. The table below provides a summary of the 2011 fire event and biogenic emissions for the Atlanta Area.

**Table 2. 2011 Fire Event and Biogenic Emissions for the Atlanta Area
(tons per summer**

County	Fire Events		Biogenic	
	NOx	VOC	NOx	VOC
Bartow	0.00	0.00	0.34	88.53
Cherokee	0.00	0.00	0.17	85.92
Clayton	0.00	0.00	0.19	32.40
Cobb	0.00	0.00	0.31	63.54
Coweta	0.00	0.00	0.26	83.79
DeKalb	0.00	0.00	0.20	46.69
Douglas	0.00	0.00	0.15	49.86
Fayette	0.00	0.00	0.18	46.12
Forsyth	0.00	0.00	0.18	47.93
Fulton	0.00	0.00	0.30	77.42
Gwinnett	0.00	0.00	0.38	76.09
Henry	0.00	0.00	0.25	53.31
Newton	0.00	0.00	0.20	56.67
Paulding	0.00	0.00	0.17	66.80
Rockdale	0.00	0.00	0.18	39.80
Total	0.00	0.00	3.45	914.88

d that Georgia's emissions inventory meets the requirements under CAA section 182(a)(1) and the SIP Requirements Rule for the 2008 8-hour ozone NAAQS.

⁹ The emissions were calculated from the Biogenic Emission Inventory System (BEIS) version 3.14 model in the Sparse Matrix Operator Kernel Emissions model (SMOKE) with 2011 meteorological data from the Weather Research Forecasting (WRF) Model.

b. Emissions Statements

Pursuant to section 182(a)(3)(B), states with ozone nonattainment areas must require annual emissions statements from NO_x and VOC stationary sources within those nonattainment areas. In 1996, EPA incorporated Georgia's regulation 391-3-1-.02(6)(a)4, *Emissions Statements*, into the SIP. *See* 61 FR 3819 (February 2, 1996). At that time, this regulation applied to stationary sources within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties. Georgia subsequently amended the regulation to, among other things, include Bartow and Newton Counties thereby covering the entire Atlanta Area. EPA incorporated these amendments into the SIP in 2009. *See* 74 FR 62249 (November 27, 2009). In its February 6, 2015, SIP revision, Georgia certified that this SIP-approved regulation 391-3-1-.02(6)(a)(4) meets the requirements of section 182(a)(3)(B) for the Area.¹⁰

III. Final Action

EPA is approving the SIP revision submitted by Georgia on February 6, 2015, addressing the base year emissions inventory and emissions statement requirements for the 2008 8-hour ozone NAAQS for the Atlanta Area. EPA has concluded that the State's submission meets the requirements of sections 110 and 182 of the CAA. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this Federal Register publication,

¹⁰ As discussed in the preamble to the SIP Requirements Rule, a state may rely on emissions statement rules in force and approved by EPA for the 1997 ozone NAAQS or the 1-hour ozone NAAQS provided that the rules remain adequate and cover all portions of the 2008 ozone NAAQS nonattainment areas. *See* 80 FR 12291.

EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective [Insert date 60 days from the date of publication] without further notice unless the Agency receives adverse comments by [Insert date 30 days from date of publication].

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on [Insert date 60 days from date of publication] and no further action will be taken on the proposed rule.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the Agency may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any

other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [FEDERAL REGISTER OFFICE: insert date 60 days from date of publication of this document in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's Federal Register, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment

in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 30, 2015.

Heather McTeer Toney

Regional Administrator,

Region 4.

40 CFR part 52 is amended as follows:

PART 52--APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart L—Georgia

2. Section 52.570(e), is amended by adding an entry for “Atlanta 2008 8-hour Ozone Marginal Area Requirements” at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-Approved Georgia Non-regulatory Provisions

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
**	**	*	*	*

Atlanta 2008 8-hour Ozone Marginal Area Requirements	Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale Counties	2/6/15	[Insert date of publication in <u>Federal Register</u>] [Insert citation of publication]	
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[FR Doc. 2015-19728 Filed: 8/10/2015 08:45 am; Publication Date: 8/11/2015]